

By Senator Smith

5-1247-02

See HB

1 A bill to be entitled
2 An act relating to financial reports; amending
3 s. 689.265, F.S.; providing requirements with
4 respect to financial reports required with
5 respect to certain residential subdivisions;
6 providing requirements with respect to required
7 financial reports; providing for posting of the
8 financial report; requiring the developer or
9 owner to make available all financial data used
10 to prepare the report; providing a penalty;
11 providing an effective date.

13 Be It Enacted by the Legislature of the State of Florida:

15 Section 1. Section 689.265, Florida Statutes, is
16 amended to read:

17 (Substantial rewording of section. See
18 s. 689.265, F.S., for present text.)
19 689.265 Financial report.--

20 (1)(a) In a residential subdivision in which all the
21 owners of lots or parcels must pay their pro rata share of the
22 actual expense of maintaining the common areas, recreational
23 facilities, and other properties serving such lots or parcels,
24 which share is calculated periodically based upon the
25 historical or projected actual expense, the developer or owner
26 of such areas, facilities, or properties shall make public,
27 within 60 days following the end of each fiscal year, a
28 complete financial report as follows:

29 1. The financial report must denote the beginning
30 month, day, and year and the ending month, day, and year for
31 the applicable fiscal year.

1 2. The developer or owner shall list the specific
2 amenity and maintenance items of the subdivision for which
3 amenity and maintenance fees have been imposed in sufficient
4 detail to clearly identify each amenity and maintenance item
5 that may incur expenses to be paid by homeowners.

6 3. The developer or owner shall report the total
7 receipts of amenity fees, maintenance fees, or such other fees
8 received by the developer or owner and shall provide an
9 itemized listing of the expenditures made for specific
10 amenities and maintenance items, as well as the total of all
11 expenditures made from the fees for that year.

12 4. The developer or owner shall certify that the
13 financial report is an accurate and factual representation of
14 the amount of amenity and maintenance fees collected and
15 expended during that year and shall sign and date the
16 certification.

17 (b) Within 5 days after the end of the fiscal year,
18 the certified financial report shall be made public by mailing
19 it to each lot or parcel owner in the subdivision, by posting
20 it in prominent locations in the subdivision for a period of
21 not less than 30 days, and by filing it with the Secretary of
22 State.

23 (2) Within 30 days following the posting of the annual
24 financial report, the developer or owner shall make available
25 copies of all documents and financial data used by the
26 developer or owner to prepare the annual financial report. The
27 homeowner shall have access to these records for a period not
28 to exceed 60 days.

29 (3) If a financial report is not filed as required by
30 this section or is filed in violation of this section, the
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1 person required to file the report shall be subject to a fine
2 of \$500.

3 Section 2. This act shall take effect July 1, 2002.

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6 LEGISLATIVE SUMMARY

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8 Provides requirements with respect to financial reports
9 required with respect to residential subdivisions in
10 which all the owners of lots or parcels must pay their
11 pro rata share of the actual expenses of maintaining the
12 common areas, recreational facilities, or other property
13 serving the lots or parcels. Provides a penalty for
14 violations of the act. (See bill for details.)

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